

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:07CV248-W**

REGINALD E. DEAL, JR.,

Plaintiff,

v.

**SOUTHPOINT VOLUNTEER FIRE
DEPARTMENT, INC., TOMMY WILSON,
BARRY JOYE, LUKE JOHNSON, CHRIS
RICHIE, PAMELA J. DYMOCK, AMANDA R.
DYMOCK, and CHRIS GANTT,**

Defendants.

ORDER

THIS MATTER is before the Court upon Defendant Chris Gantt's "Motion for More Definite Statement Pursuant to Fed. R. Civ. P. 12(e)" (document #14) filed November 7, 2007.

On July 3, 2007, the Plaintiff filed this action alleging constitutional claims under 42 U.S.C. § 1983 for violation of his rights to due process, to contract, and to freedom of movement (being barred from the premises of the corporate Defendant) and state law claims for slander and intentional infliction of emotional distress.

Concerning Defendant Gantt, the Complaint alleges only that he "ha[d] falsely stated that the Plaintiff had inappropriate sexual contact with or raped [Defendant] Amanda Dymock." As the Defendant points out in his Motion, however, the Plaintiff has not alleged the specific content of those false statements, nor does the Complaint otherwise contain allegations detailing when, where or to whom these statements were made. The Defendant seeks an Order compelling the Plaintiff to amend his Complaint to provide those allegations.

On November 28, 2007, the Plaintiff filed his "Response ..." in which he "consents to entry

of an order requiring a more definite statement on the terms requested by [Defendant] Gantt and respectfully requests ... leave ... to amend the Complaint to provide the more definite statement.”

Document #17.

IT IS THEREFORE ORDERED:

1. Defendant Chris Gantt’s “Motion for More Definite Statement Pursuant to Fed. R. Civ. P. 12(e)” (document #14) is **GRANTED**, and on or before December 20, 2007, the Plaintiff shall file an Amended Complaint providing the more definite statement requested, including the content of the alleged slanderous statements, the identities of the persons to whom the statements were made, and the date, time, and location of those statements.

2. The Clerk shall send copies of this Order to counsel for the parties; and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: November 29, 2007

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

